

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMUEL BALL and ROBERT
JEREMY HORTON, individually and
on behalf of all others similarly
situated,

Plaintiffs,

Case No. 1:21-cv-11799-TLL-PTM

Hon. Thomas L. Ludington
Magistrate Judge Patricia T. Morris

v.

ENTREPRENEUR MEDIA, INC.,

Defendant.

STIPULATION TO FILE SECOND AMENDED
CLASS ACTION COMPLAINT

WHEREAS, on August 4, 2021, Forest Ouellette filed this putative class action lawsuit against Defendant Entrepreneur Media, Inc. (“Defendant”) alleging violations of Michigan’s Preservation of Personal Privacy Act, H.B. 5331, 84th Leg. Reg. Sess., P.A. No. 378, §§ 1-4 (Mich. 1988), *id.* § 5, added by H.B. 4694, 85th Leg. Reg. Sess., P.A. No. 206, § 1 (Mich. 1989) (the “PPPA”);

WHEREAS, since the filing of the case, Plaintiffs’ Counsel and Defendant’s Counsel have been engaged in informal discovery pertaining to the validity of the alleged claims, including subscription histories;

WHEREAS, on December 20, 2021, as a result of that informal discovery, Mr. Ouellette withdrew from the case and Plaintiffs Samuel Ball and Robert Jeremy

Horton replaced him as named plaintiffs;

WHEREAS, since that time, Plaintiffs' Counsel and Defendant's Counsel have continued their informal discovery pertaining to the validity of the alleged claims, including subscription histories;

WHEREAS, as a result of that informal discovery, Mr. Horton wishes to voluntarily dismiss his claims without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i);

WHEREAS, the Parties are continuing to discuss Mr. Ball's claims, but at this time, Mr. Ball wishes to continue litigating his claim and those of the putative class;

NOW THEREFORE, the Parties stipulated as follows:

1. Pursuant to Fed. R. Civ. P. 15(a)(2), Defendant consents to Plaintiffs filing a Second Amended Class Action Complaint that removes Mr. Horton as named plaintiff and names Mr. Ball as the lone named plaintiff and proposed class representative. Plaintiffs shall file the Second Amended Class Action Complaint on April 4, 2022;

2. Pursuant to Fed. R. Civ. P. 15(a)(3), Defendant shall answer or otherwise respond to the Second Amended Class Action Complaint on or before April 18, 2022.

Stipulated and agreed:

/s/ E. Powell Miller

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Dated: April 4, 2022

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*Attorneys for Defendant Entrepreneur
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CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2022, I electronically filed the foregoing papers using the ECF system which will send electronic notices of same to all counsel of record.

Respectfully submitted,

By: /s/ E. Powell Miller

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